

**Maryland Board of Pharmacy**  
**Public Meeting Minutes**  
**Date: August 19, 2009**

Name	Title	Today's Attendance		Year-to-Date Attendance	
		Present	Absent	Present	Absent
Anderson, C.	Commissioner	x		2	0
Bradley-Baker, L.	Commissioner	x		2	0
Chason, D.	Commissioner	x		2	0
Finke, H.	Commissioner	x		2	0
Handelman, M.	Commissioner	x		2	0
Israbian-Jamgochian, L.	Commissioner	x		2	0
Leandre, A.	Commissioner	x		2	0
Matens, R.	Commissioner	x		2	0
Souranis, M.	Commissioner/Treasurer	x		2	0
Taylor, D.	Commissioner/President	x		2	0
Taylor, R.	Commissioner/Secretary	x		2	0
Zimmer, R.	Commissioner	x		1	1
Bethman, L.	Board Counsel	x		2	0
Gibbs, F.	Board Counsel	x		2	0
Banks, T.	MIS Manager		x	1	1
Eversley, C.	Compliance Investigator	x		2	0
Gaither, P.	Administration and Public Support Manager	x		2	0
Goodman, S.	Acting Licensing Manager	x		2	0
Jeffers, A.	Legislation/Regulations Manager	x		1	1
Kreindler, S.	Compliance Coordinator			2	0
Naesea, L.	Executive Director	x		2	0
Simmons, L.	Executive Secretary	x		2	0

Subject	Responsible Party	Discussion	Motion	Action/Results
I. Call to Order	Donald Taylor, Board President	A. D. Taylor brought the Public Meeting to order at 9 A.M. Members of the Board with a conflict of interest relating to any item on the agenda were advised to notify the Board at this time or when the issue is addressed in the agenda.		
II. Approval of the Minutes & President Updates	Donald Taylor, Board President	<p>A. D. Taylor requested additions and corrections to the Minutes for July 15, 2009.</p> <ol style="list-style-type: none"> <li>Page 1, Attendance. Title Section, Add "Secretary."</li> <li>Page 3, Section III, Discussion Section, Item B. Add "pharmacy practice."</li> <li>Page 3, Section III, Discussion Section, Item E. Add "inspection process for out of state."</li> <li>Page 3, Section III, Motion Section, Item H. Moved motion to page 7.</li> <li>Page 3, Section IV, Discussion Section, Item A. Add "Additional Information sent to budget 06/23/2009."</li> <li>Page 4, Section IV, Discussion Section, Item G. "were."</li> <li>Page 5, Section IV, Discussion Section, Item J. Add "are."</li> <li>Page 5, Section V, Discussion Section, Item 2. Add "performed."</li> <li>Page 6, Section VI, Discussion Section, Item B. Add "September 26, 2009" and Add "on August 19, 2009."</li> <li>Page 6, Section VI, Discussion Section, Item C. Add "than."</li> <li>Page 6 Section VIII, Discussion Section , Item 2. Add "two representatives of the . and "ed""</li> <li>Page 6, Section VIII, Discussion Section, Item 3 Add "pain."</li> <li>Page 6, Section IX, Discussion Section, Item B. Remove " T. Banks reported that the Database Development that DHMH use is sole source and Add" "The Board of Pharmacy is considering using a sole source contractor</li> </ol>	<p><b>Motion:</b></p> <p>R. Zimmer made a motion to approve the minutes as amended.</p> <p>D. Chason seconded the motion.</p>	<p><b>Board Action:</b></p> <p>The Board voted to approve the minutes as amended.</p>

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		for database development.” 14. Page 7, Section X, Discussion Section, Item B. Add “ D. Chason, F. Gibbs.” 15. Page 9, Section XI, Discussion Section, Item B. Add “working for XYZ insurance company.” 16. Page 9, Section XI, Action Section, Item C. Add “Board voted to approve the motion.”		
		B. D. Taylor reported : The Ethics Committee ruled, in the specific case of D. Chason and C. Anderson now working for the same company, there are no ethical issues.		
		C. D. Taylor reported that L. Israbian-Jamgochian is interested in becoming the NABP District II representative.	Motion: C. Anderson made a motion for the Board to nominate L. Israbian-Jamgochian as a candidate for the NABP District II representative.  M. Souranis seconded the motion.	Board Action: The Board voted to approve the motion.  Action: Result: L. Naesea will write a letter to NABP for the nomination of L. Israbian-Jamgochian.
		D. D. Taylor reported that the Prescription Drug Monitoring Workgroup meeting was held on July 17, 2009. The workgroup is working on developing a document to present to the legislators. The workgroup has not made significant progress. Some members of the workgroup are concerned that Pharmacy is likely to incur the costs of maintaining the database.		
		E. D. Taylor reported that Dean Blanchard , University of Maryland Eastern Shore, School of Pharmacy was not able to attend this months meeting due to illness and will have to reschedule.		
		F. D. Taylor reported that the DHMH H1N1 Vaccine Initiative is the current priority of the Department. A conference call will be held on August 21, 2009 with pharmacy representatives throughout the State. MPhA, EPIC, the chains, and others were asked to be a part of the vaccination initiative and DHMH is asking for pharmacies to pre-register as vaccination sites. McKesson has been chosen to be a distribution center for the State and will deliver vaccines to each site.		
		G. L. Naesea reported that an application has been received from McKesson Distribution Facility . DHMH requested that the Board waive the licensure requirements for the new McKesson H1N1 vaccine distributors. L. Bethman reported that the Board cannot grant a waiver unless it is allowed under an Executive Order.		
		H. D. Taylor reported that the ASCP conference was held on August 6-9, 2009 in Rocky Gap, Maryland. M. Handelman, D. Taylor, H. Finke and E. Linn. attended the conference. E. Linn and N. Richards helped with the Board's booth at the conference.		
		I. D. Taylor reported that the Home Infusion Task Force meeting will be held on September 2, 2009.		
		J. D. Taylor reported PEAC will host their Continuing Education program at the Maritime Institute on September 26, 2009.		
		K. D. Taylor reported that NABP District II Meeting will be held September 24-26, 2009 in Rhode Island.		

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III. Executive Director	LaVerne Naesea, Executive Director	A. L. Naesea reported that recruitment for the Program Manager III-Compliance Officer position has begun. The closing date for recruitment is September 2, 2009.		
		B. L. Naesea reported that the recruitment for the Licensing Manager position has ended. The Board has received two applicants, S. Goodman and S. Kreindler. R. Taylor, M. Souranis, and L. Naesea will be interviewing both applicants.		
		C. L. Naesea reported that the Public Information Officer position is still pending approval.		
		D. L. Naesea reported that the Office Secretary II position was advertised. Two candidates applied and will be interviewed.		
		E. L. Naesea reported the Board is inundated with phone calls. All staff have been assigned a minimum of two hours daily to answer phone calls.		
		F. L. Naesea reported that the Baltimore City Health Department has a special program for Seniors, allowing them to be trained and work with the Board during their training. The Board could have train Seniors in customer service at no cost to the Board to provide receptionist duties to the Board in response of the mail and phone inquiries.		
		G. L. Naesea reported that the CJIS Audit was completed on July 16, 2009. The audit found that too many people had access to the criminal background checks. CJIS recommended that the Board streamline the processing of confidential criminal background information.		
		H. M. Souranis presented the pros and cons for updating the MIS system. The Board has the option of using License 2000 or putting a contract out for bid.	H. Motion: M. Souranis made a motion to put a contract out for bid.  H. Finke seconded the motion.	H. Board Action: The Board voted to approve the motion.
IV. Legislation and Regulations	Anna Jeffers, Legislation and Regulation Manager	A. Maryland Regulations  1. Status:  a. A. Jeffer reported on COMAR 10.34.03 Inpatient Institutional Pharmacy. Workgroup to be established to make revisions pursuant to the RR&E Act Report.		
		b. A. Jeffers combined COMAR 10.34.05 Pharmacy Security; COMAR 10.34.07 Pharmacy Equipment; COMAR 10.34.12 Removal of Expired Prescription Drugs; COMAR 10.34.13 Reinstatement of Expired Licenses For Pharmacists; and COMAR 10.34.15 Licensure By Reciprocity into one proposal, All the revisions were pursuant to the RR&E Act Report. She asked the Board to approve the proposal. Discussion ensued concerning additional revisions.	b. Motion: M. Souranis made a motion to approve the regulations as amended.  R. Zimmer seconded the motion.	.b. Board Action: The Board voted to approve the motion.

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		<p>c. A. Jeffers reported on COMAR 10.34.07 Pharmacy Equipment. Revisions pursuant to the RR&amp;E Act Report.</p> <p>The Board approved the proposal with the following revisions:  10.34.05.02C(2)(f) – delete the subsection requiring video monitoring of all entrances or alternate acceptable security.  10.34.07.01A – add “if applicable “ and place “Freezer” as a separate section.  10.34.07.02 – remove “material safety data sheets” and place under the Reference Library Section.  10.34.07.03 – Switch B and C.  10.34.12.01A and B: delete references to “manufacturers” and “dispensing.” In B delete “manufacturer and substitute “ wholesale distributors and pharmacies.”  10.34.13.01B(2) – delete the definition of “Licensure examination” since it is not used anymore.  10.34.13.03B(1)(a)(ii) – delete “late” fee and substitute “reinstatement” fee.</p>		
		d. A. Jeffers reported on COMAR 10.34.09 Fees. Traditional proposal anticipated to be published August 14, 2009. Emergency proposal TBD.		
		e. A. Jeffer reported on COMAR 10.34.17 Waiver of Full Service Requirements for Recognized Pharmaceutical Specialties. Proposal published March 27, 2009. Responses to comments sent 6/24/2009. Re-proposal anticipated to be published August 14, 2009.		
		f. A. Jeffers reported on COMAR 10.34.18 Continuing Education for Pharmacists. Revisions pursuant to the RR&E Act Report.		f. Action Result: To be discussed at the August 26, 2009 Practice Committee Meeting.
		g. A. Jeffers reported on COMAR 10.34.20 Format of Prescription Transmission. Approved on July 15, 2009 with revisions. Next steps – release for Informal Comment.		
		<p>h. A. Jeffers reported on COMAR 10.34.22 Licensing of Wholesale Prescription Drug or Device Distributors. Traditional proposal published on June 19, 2009. AELR approved an emergency effective date of June 18, 2009. Notices have been placed on the website. Notice of Emergency Action published on July 17, 2009. One Comment Received:</p> <p>Vote on adoption as proposed</p>	<p>h. Motion: D. Chason made a motion to adopt the regulations as proposed.</p> <p>L. Bradley-Baker seconded the motion.</p>	h. Board Action: The Board voted to approve the motion
		i. A. Jeffers reported on COMAR 10.34.23 Pharmaceutical Services to Residents in Long-Term Care Facilities. Revisions occurred at the Long Term Care Workgroup meeting on 6/29/09. To be reviewed by the Long Term Care Workgroup		i.. Action Results: To be reviewed again by the Long Term Care Workgroup on

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				September 14, 2009.
		j. A. Jeffers reported on COMAR 10.34.25 Delivery of Prescriptions. Released for informal comment. Eight (8) informal comments received. Comments, draft responses and revised regulations to be considered at the August 26, 2009 Practice Committee Meeting.		
		k. A. Jeffers reported on COMAR 10.34.28 Automated Medication Systems. Approved by the Board at the May 20, 2009 Board meeting and released for informal comment on May 21, 2009. One comment received and the Board approved response was sent July 28, 2009. Released again for informal comment on June 29, 2009 at the request of the LTC Workgroup with responses due July 17 <sup>th</sup> .	k. Motion: R. Matens made a motion to approve the regulations for submission into the regulatory process. .  M. Souranis seconded the motion.	k. Board Action: The Board voted to approve the motion.
		l. A. Jeffers reported on COMAR 10.34.32 Pharmacist Administration of Vaccinations. Re-proposal published May 8, 2009. Notice of Final Action published July 17, 2009 with an August 1, 2009 effective date.		
		m. A. Jeffers reported on COMAR 10.13.01 Dispensing of Prescription Drugs by a Licensee. <ul style="list-style-type: none"> <li>Submitted to DHMH 11/20/08</li> <li>Comments received from Physicians, Dentists, Podiatrists. JOINT Response sent 02/05/09 and ratified at 02/18/09 Bd Mtg.</li> </ul> Met with DDC 03/26/09. Hold until mid-May for DDC to complete inspections. Anna Jeffers sent follow-up e-mail to DDC on May 26, 2009. DDC responded that they were working with appropriate Boards. <ul style="list-style-type: none"> <li>Bd of Physicians response 03/09/09.</li> <li>Bd of Pharm response 040709.</li> <li>Bd of Physicians response 4/28/09.</li> <li>Bd of Pharm response 07/16/09.</li> </ul>		m. Action Results:  1. A. Jeffers provided the Board with the August 12, 2009 Letter from the Board of Pharmacy to the Board of Physicians requesting a meeting to resolve outstanding issues. The letter was ratified later in the meeting. 2. Wendy Kronmiller, in attendance as a guest, offered to coordinate the meeting between the Boards. Harry Finke and Richard Matens offered to attend on behalf of the Board of Pharmacy with LaVerne.

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		<p><b>B. Legislation:</b></p> <p>A. Jeffers reported on the update of the following legislations.</p> <p>1. Continuation of the Drug Therapy Management Program. Packet submitted July 2, 2009.</p>		
		<p>2. Requiring out-of-state wholesale drug distributors to be currently accredited by an accreditation organization. Packet submitted July 10, 2009.</p>		
VI. Inspection Program Report	Lenna, Israbian-Jamgochian Disciplinary Committee Chair	<p>A. L. Israbian-Jamogochain presented the Compliance Committee monthly statistics for the month of August 2009. See Attachment 1, Section A and C.</p>		
VI. PEAC Report	Anthony Tommasello, PEAC	<p>A. A. Tommasello presented the PEAC monthly statistics for the Board. See Attachment 1, Section D.</p>		
		<p>B. A. Tommasello reported that there was 1 update of a positive urine test.</p>		
VII. Management Information Services	Tamarra Banks, MIS Manager	<p>A. L. Naesea presented the MIS monthly statistics for the Board. See Attachment 1, Section F.</p>		Action Result: D. Taylor suggested that its time to look at online renewal for technicians.
VIII. Administration and Public Support	Patricia Gaither, Administration and Public Support Manager	<p>A. P. Gaither presented the Administration and Public Support monthly statistics for the Board. See Attachment 1, Section G.</p>		
IX. Public Relations Committee Report	Lynette Bradley-Baker, Chair	<p>A. Public Relations Committee Report</p> <p>1. P. Gaither reported that the new magazine publisher can not be reached. The Board will go back to the Newsletter format until a new vendor is hired.</p>		

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		2. - L. Bradley-Baker reported that the Acetaminophen Task Force meeting will be held on September 9, 2009. McNeil, the makers of Tylenol would like to attend the meeting. No decisions has been made on McNeil's request to attend the Acetaminophen Task Force meeting.		
		3. L. Bradley-Baker reported that the Board's CE Brunch will be held on October 4, 2009 at Cross Keys.		
		B. Emergency Preparedness Task Force  1. D. Taylor reported that the DHMH Emergency Preparedness Workgroup needs two Board volunteers to review suggested protocol changes.		Action Results: R. Zimmer and L. Israbian-Jamgochian volunteered.
X. Practice Committee	Reid Zimmer, Chair	A. Regulations currently undergoing revisions:  See status under Legislation and Regulations		
		B. Public Inquiries:  1. <u>Nurses filling pyxis machines - medication refill</u>  A Pyxis machine may be stocked by a nurse so long as there is unit dose packaging that uses positive drug identification, such as bar code technology, to ensure accuracy of the stocking and replenishment of the Pyxis machine. Please refer to the Maryland Board of Nursing regarding whether or not this function is within your scope of practice.  RESPONSE: Is it permissible for nursing staff to refill a medication Pyxis machine in a free standing Emergency Center that is part of a hospital, however; not on campus?	1. Motion: C. Anderson made a motion to approve the letter as written.  D. Chason seconded the motion	1. Board Action: The Board voted to approve the motion.
		2. <u>DRAFT - Delivery of rx by hospital volunteers</u>  In COMAR 10.34.21 Standard of Practice for Unlicensed Personnel, those providing "operational support" such as administrative clerks, billing clerks, cashiers, delivery personnel, file clerks, inventory control clerks or individuals engaged in janitorial services, do not have to be registered as a pharmacy technician in Maryland. Additionally, the pharmacist must provide supervision to those unlicensed personnel. Therefore, so long as the hospital volunteers are HIPAA compliant and are supervised by a pharmacist, they may act as a courier.  RESPONSE: Is there a regulation (MD or federal) that excludes hospital volunteers from delivering medications to the floors of a hospital?	2. Motion. C. Anderson made a motion to accept the letter as written.  H. Finke seconded the motion.	2. Board Action The Board voted to approve the motion.

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		<p><b>3. . Blood Sugar Testing</b></p> <p><b>RESPONSE:</b> May a Maryland pharmacist may perform blood sugar testing/training?</p> <p>Please be advised that you may educate the patient, provide counseling to the patient, and explain to the patient how to perform blood sugar testing. Blood sugar testing requiring the pharmacist to draw blood, however; is not within the definition of pharmaceutical care and not within the scope of pharmacy practice.</p>	<p><b>3. Motion:</b> M. Handelman made a motion to accept the letter as amended.</p> <p>D .Chason seconded the motion.</p>	<p><b>3. Board Action:</b> The Board voted to approve the motion.</p> <p>H. Finke and M. Souranis are opposed.</p>
XI. Licensing Committee	Mike Souranis Chair Summar Goodman, Acting Licensing Manager	A. M. Souranis presented the Licensing Committee statistics for 2009. See Attachment 1, Section A and E.		
		B. F. Gibbs reported that VetSource is requesting a reduction or waiver of a surety bond. The Board has no authority to waive the requirements and will have to deny the request for waiver or reduction .		
XII. Disciplinary Committee	Lenna Israbian-Jamgochian, Chair	A. L. Israbian-Jamgochian presented the Compliance Committee monthly statistics for the Board. See Attachment 1, Section A and C.		
XIII. Long Term Care	Mayer Handelman, Chair	A. M. Handelman reported that PG County requested a program on Assisted Living pharmacy review . The review is scheduled for October 19, 2009.		
XIV. Informational	Donald Taylor, Board President	<p>A. D. Taylor reported that :</p> <ol style="list-style-type: none"> <li>1. HHS delegates enforcement of HIPPA to the Office for Civil Rights May mean stricter enforcement</li> <li>2. Washington State judge has rules that RPhs can Not refuse to stock or sell the Plan B tablet Further litigation upcoming</li> <li>3. Ohio has passed a law that requires RPhs, pharmacy interns and techs to report suspected dispensing errors to the Ohio BOP. Failure to report could result in criminal charges.</li> <li>4. Insurance companies being examined for denying coverage or discriminating against Americans with Pre-Existing Conditions</li> <li>5. AWP settlement has moved forward – current indication is that it</li> </ol>		



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		<p>may reduce payment from 1.25 AWP to 1.20 AWP effective Sept 20<sup>th</sup> for most of the large insurer companies</p> <p>Uncertain, as to what state Medicaid agencies will do -- certainly NOT encouraging at this point for pharmacy reimbursement</p>		
XV. Adjournment	Donald Taylor, Board President	<p>A. D. Taylor asked for a motion to close the Public Meeting and open a Closed Public Session for the purpose of engaging in medical review committee deliberations of confidential matters contained in technician applications in accordance with State Government, Sect. 10-508(a)(13).</p> <p>The Public Meeting was adjourned at 12:00 P.M.</p> <p>B. At 12:38 P.M. D. Taylor convened a Closed Public Session to conduct a medical review of technician and pharmacist applications.</p> <p>C. The Closed Public Session was adjourned at 12:41 P.M. Immediately thereafter, D. Taylor convened an Administrative Session for purposes of discussing confidential disciplinary cases. With the exception of cases requiring recusals, the Board members present at the Public Meeting continued to participate in the Administrative Session.</p>	<p>1. Motion R. Matens made a motion to close the Public Board meeting.</p> <p>D. Chason seconded the motion.</p>	<p>1. Board Action The Board voted to approve the motion</p>